

85-47-A 343 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.02.3.B (1.01.2.C.4) (301.1) TO PERMIT A REAR YARD SETBACK OF 18 FEET IN LIEU OF THE REQUIRED 22 1/2 FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

REPLACEMENT OF ORIGINAL DECK WHICH WAS DETERIORATING (10'x16')
USABLE YARD SPACE LIMITED BECAUSE OF EXISTING HILL
YARD IS NOT PRACTICAL TO USE AS PLAYGROUND FOR CHILDREN (TOO HILLY)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Name
Address
Phone No.

Legal Owner(s):
RAYMOND M. VAUGHN
(Type or Print Name)
Signature
VICTORIA M. VAUGHN
(Type or Print Name)
Signature
4545 FITCH AVENUE
Address
BALTIMORE, MARYLAND 21236
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of June, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of August, 1984, at 10:15 o'clock A.M.

Cal Jones
Zoning Commissioner of Baltimore County.

(over)



HARRY J. PISTEL, P.E.
DIRECTOR

July 13, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utilities improvements are not directly involved and are as secured by Public Works Agreement 147603, executed in conjunction with the development of "Village of Hickory Hollow", of which this property is a part.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

There is a 10-foot wide drainage and utilities easement centered upon the rear lot line of this property.

Very truly yours,
Gilbert S. Benson, P.E. Asst. Chief
Bureau of Public Services

GSB:EAM:FWR:mr

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Fitch Ave., 308' E of : OF BALTIMORE COUNTY
the Centerline of
Bennerton Dr. (4545 Fitch :
Ave.), 14th District :
RAYMOND M. VAUGHN, et ux, : Case No. 85-47-A
Petitioners : : : : :
ENTRY OF APPEARANCE

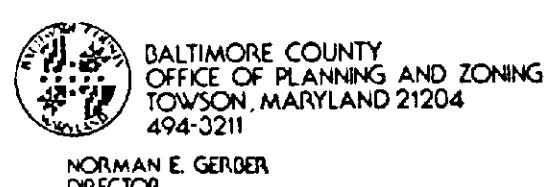
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Raymond M. Vaughn, 4545 Fitch Ave., Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 6-19-84
Item # 343
Property Owner: Raymond M. Vaughn, et ux
Location: S/S Fitch Ave. E. of Bennerton Drive

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

Stephen A. Boser
Ch. of Current Planning and Development

cc: James Howell

BALTIMORE COUNTY

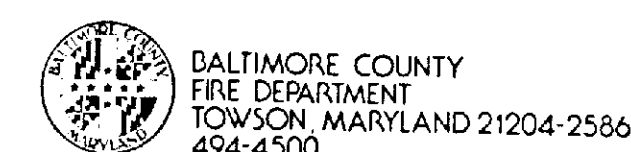
ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



PAUL H. RENCKE
CHIEF
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

July 3, 1984

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Raymond M. Vaughn, et ux

Location: S/S Fitch Avenue 308' E. from c/l Bennerton Drive

Item No.: 343

Zoning Agenda: Meeting of 6/19/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: [Signature]
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 10, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
ofo
Nicholas B. Commodari
Chairman

Mr. & Mrs. Raymond M. Vaughn
4545 Fitch Avenue
Baltimore, Maryland 21206

RE: Case No. 85-17-A (Item No. 343)
Petitioner - Raymond M. Vaughn, et ux
Variance Petition

Dear Mr. & Mrs. Vaughn:

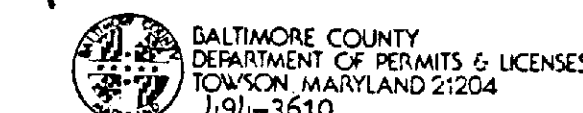
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the setback of the existing rear deck this hearing is required. As you are aware, a similar request (Case #85-18-A) for the adjacent property at 4547 Fitch Avenue will be heard immediately following your hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NEC:lmch
Enclosures



RED ZAKEN JR.
DIRECTOR

Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Comments on Item 343 Zoning Advisory Committee Meeting
are as follows:
Property Owner: Raymond M. Vaughn, et ux
Location: S/S Fitch Avenue
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a rear yard setback of 18' in lieu of 22-1/2' Lot 2 Bk b Village of Hickory Hollow
Address: 14th

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1901/ Council Bill 142 (except as otherwise specifically exempted or amended) and other applicable Codes.
- (X) A building and other miscellaneous permits shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 101, Line 7, Section 1407 and Table 1402.
- () Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) Before this office can comment on the above structure, please have the owner, three the services of a Registered or Licensed Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 503 and the required construction classification of Table 101.
- (X) Comments: Deck shall be designed for a 60# load minimum and have guard rails 42" high with not less than 4" spacing between vertical balusters or horizontal rails of the building lot.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If additional information may be obtained by visiting Room #122 (Plan Review) at all best Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burman, Chief
Plans Review

CEB:rlj
PCLX 01-52

IN RE: PETITION ZONING VARIANCE
S/S of Fitch Avenue, 308' E of
the centerline of Bennerton
Drive (4545 Fitch Avenue) -
14th Election District
Raymond M. Vaughn, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-47-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 18 feet instead of the required 22 1/2 feet in order to allow a deck to be attached to the rear of the dwelling, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, faces Fitch Avenue. When the Petitioners purchased the dwelling about seven years ago, a 10' x 16' deck was attached to the rear, eight feet off the ground. Because the deck was constructed without using treated lumber, it began to deteriorate and was no longer safe. That deck was replaced with a 12' x 32' unenclosed deck. Unfortunately, the Petitioners elected to proceed without a permit.

The Petitioners seek relief from Section 1802.3.B (1801.2.C.4, 301.1), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLeary v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of August, 1984, that the Petition for Variance to permit a rear yard setback of 18 feet instead of the required 22 1/2 feet be and is hereby GRANTED from and after the date of this Order, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

AJ/srl

Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Raymond M. Vaughn
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: August 1, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition Nos. 85-46-A, 85-47-A,
SUBJECT: 85-48-A, 85-49-A, 85-50-A, 85-51-A and 85-52-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

ORDER RECEIVED FOR FILING

DATE August 2, 1984
BY [Signature]

ORDER RECEIVED FOR FILING

DATE August 2, 1984
BY [Signature]

ORDER RECEIVED FOR FILING

DATE August 2, 1984
BY [Signature]

PETITION FOR VARIANCE
14th Election District

ZONING: Petition for Variance
LOCATION: South side Fitch Avenue, 308 ft. East of the centerline of Bennerton Dr. (4545 Fitch Avenue)
DATE & TIME: Monday, August 20, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 18 ft. in lieu of the required 22 1/2 ft.

Being the property of Raymond M. Vaughn, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

LOCATED ON THE SOUTH SIDE OF FITCH AVENUE APPROXIMATELY 308 FEET EAST OF ITS CENTER LINE OF BENNERTON DRIVE AND KNOWN AS LOT # 2 AS SHOWN ON PLAT OF VILLAGE OF HICKORY HOLLOW WHICH IS RECORDED AMONG LAND RECORDS OF BALTIMORE COUNTY IN LIBER 39 FOLIO 138 ALSO KNOWN AS 4545 FITCH AVENUE.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 10, 1984

Mr. & Mrs. Raymond M. Vaughn
4545 Fitch Avenue
Baltimore, Maryland 21236

Re: Petition for Variance
S/S Fitch Ave., 308' E of the c/l of
Bennerton Dr. (4545 Fitch Avenue)
Case No. 85-47-A

Dear Mr. & Mrs. Vaughn:

This is to advise you that \$42.85 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 133232

DATE 8-20-84 ACCOUNT R-01-615-000

AMOUNT \$42.85

RECEIVED FROM Raymond M. Vaughn

FOR ad. & posting fees 85-47-A

6 030*****42851a 8206f

VALIDATION OR SIGNATURE OF CASHIER

July 24, 1984

Mr. & Mrs. Raymond M. Vaughn
4545 Fitch Avenue
Baltimore, Maryland 21236

NOTICE OF HEARING

Re: Petition for Variance
S/S Fitch Ave., 308' E of the c/l of
Bennerton Dr. (4545 Fitch Avenue)
Raymond M. Vaughn, et ux - Petitioners
Case No. 85-47-A

TIME: 10:15 A.M.

DATE: Monday, August 20, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130289

DATE 8-2-84 ACCOUNT R-01-615-000

AMOUNT 35.00

RECEIVED FROM [Signature]

FOR [Signature]

6 030*****35001a 8078a

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
19th day of June, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Raymond M. Vaughn, et ux
Petitioner's Attorney: _____

Received by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14 Date of Posting: 8/3/84
Posted for: Petition for Variance
Petitioner: Raymond M. Vaughn, et ux
Location of property: 4 1/2 E. Fitch Ave., 308' E of the c/c of Bennerton Dr.
Location of Signs: front to property (H 4545 E Fitch Ave)
Remarks: _____
Posted by: Alan J. Gorman Date of return: 8/9/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 2, 1984

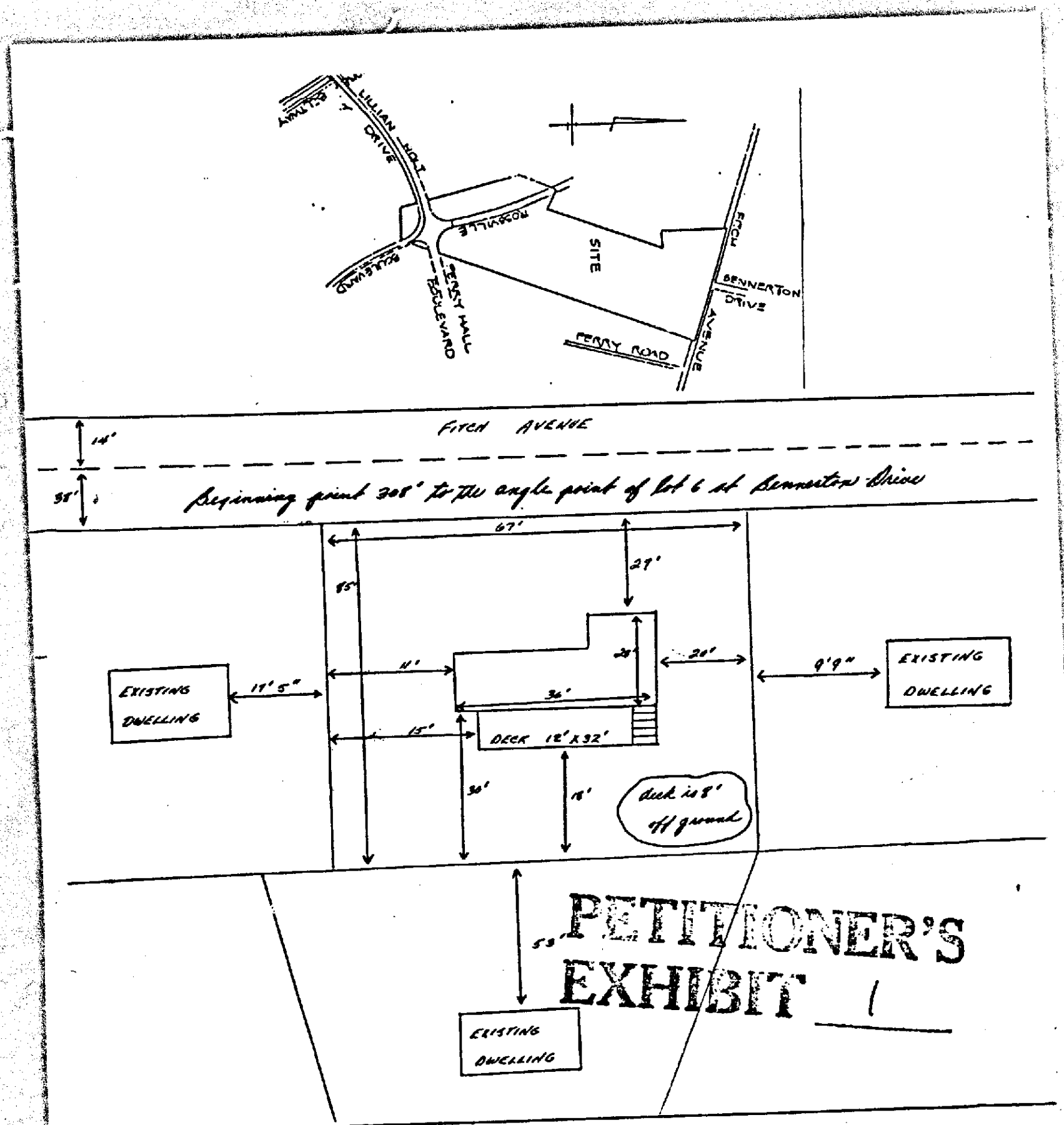
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 2, 1984.

THE JEFFERSONIAN,

W. Venton
Publisher

Cost of Advertising 1800

PETITION FOR VARIANCE
14th Election District
ZONING: Petition for Variance
LOCATION: South side Fitch Avenue, 308 ft. East of the centerline of Bennerton Dr. (4545 Fitch Avenue)
DATE & TIME: Monday, August 20, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit a rear yard setback of 18 ft. in lieu of the required 22 1/2 ft.
Being the property of Raymond M. Vaughn, et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County



PETITIONER'S
EXHIBIT 1

Petition for Variance
14th Election District
ZONING: Petition for Variance
LOCATION: South side of Fitch Avenue, 308 ft. East of the centerline of Bennerton Dr. (4545 Fitch Avenue)
DATE & TIME: Monday, August 20, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
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By Order Of
Arnold Jablon
Zoning Commissioner
Of Baltimore County

The Times

Middle River, Md., Aug 2 1984

This is to Certify, That the annexed
Petition

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 2nd day of Aug, 1984
Sh. D. W. Jr. Publisher.

PLAT FOR ZONING VARIANCE
OWNERS: Raymond M. and Victoria M. Vaughn
DISTRICT: 14
SUBDIVISION: VILLAGE OF HICKORY HOLLOW
LOT 2, BLOCK A, BOOK No. 39, FOLIO 138
EXISTING UTILITIES IN FITCH AVE

